

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

In the Matter of:)	
)	
ReconRobotics, Inc.,)	
)	WP Docket No. 08-63
Request for Waiver of Part 90 of the)	
Commission's Rules for a Video and Audio)	
<u>Surveillance System at 430-450 MHz.</u>)	

To the Commission:

CONDITIONAL MOTION TO TERMINATE FOLLOWING DECISION

COMES NOW movant, JAMES EDWIN WHEDBEE, and pursuant to Section 1.45(d) of the Commission's rules, in pertinent part, entitled "...shorter filing periods..." [47 CFR Section 1.45(d)], conditionally moves the Commission terminate the above proceeding should it sustain any Petition for Reconsideration or the Motion to Set Aside. As good cause therefor, movant states...

[1] Petitions to Deny and a Motion to Set Aside have been filed in the above proceedings. Moreover, in the interests of justice: an informal request has been filed to take action/render a decision sustaining same if any technical defect exists that might prevent it but for the informal request.

[2] Taken together or severally, the Petitioners and movant have made prima facie cases that the 'waiver' Order of February 23, 2010 was: arbitrary and capricious in its grant in violation of existing policies, rules, and regulations as well as for its brazen favoritism indicating the Commission's predisposition to 'go through the motions' rather than actually consider all sides and draft a thoughtful dispositive Order; predicated on a misleading 'waiver' request that was better redesignated a petition for rulemaking; and, in any event it was clearly and erroneously granted by the Commission without technical justification whatsoever aside from bare assertions essentially restating the proponent's position and ignoring the opponent's technically well-grounded opposition.

[3] In the instance the Motion to Set Aside is sustained, the proceedings would continue as

for rulemaking; however, such is a separate process and proceeding – this one would thereby be effectively terminated; however, if a Petition for Reconsideration is sustained, the possibility exists for the 'waiver' request to be amended and the undersigned objects strenuously to any further proceedings which might allow the 'waiver' to be amended to fit whatever circumstances were not met in the original proceeding given the degree of interference that would be occasioned against this heavily used amateur radio and amateur satellite band were any eventual 'waiver' be granted.

[4] This conditional motion is premised on the fact that if the Commission may enlarge a period for proceedings it most certainly may set all times to zero; furthermore, the regulation cited in the introductory paragraph hereof explicitly allows for such action; accordingly, the motion must be sustained if its conditionalities are met.

[5] In the absence of a grant of this motion, litigation subsequent to any ruling in these proceedings is likely; accordingly, sustaining this motion is in the public interest, convenience, and necessity, and therefore, movant is entitled to a grant hereof.

WHEREFORE, if any petition for reconsideration or motion to set aside is granted, movant prays the Commission's further Order terminating entirely these 'waiver' proceedings and foreclosing any possibility of modification to the 'waiver' Order.

Respectfully submitted:


James E. Whedbee, M.Ed.
SBE #26971

September 11, 2010

James Edwin Whedbee, M.Ed.
5816 NE Buttonwood Tree Ln.
Gladstone, MO 64119-2236
816.694.5913
Movant

MOVANT'S AFFIDAVIT IN SUPPORT OF CONDITIONAL MOTION TO TERMINATE

THIS CERTIFIES under penalties provided for perjury, pursuant to 18 USC 1001, that undersigned is licensee of radio station N0ECN, a party in interest in the above-captioned proceedings; and, that the undersigned calculates the 'waiver' against which his motion(s) lie shall cause damage to radio station, N0ECN, by way of radio frequency interference due to use of frequencies corresponding within the 'waiver' with those of radio station, N0ECN. FURTHER THE AFFIANT SAYETH NOT. Witness my hand this 11th of September, 2010.


James E. Whedbee, M.Ed.
SBE #26971

CERTIFICATE OF SERVICE

THIS CERTIFIES that on this 11th day of September, 2010, an exact copy of the within and foregoing suggestions was e-mailed to parties whose names, addresses, and e-mail addresses follow this certification.

Signed:


James E. Whedbee, M.Ed.
SBE #26971

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